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In reply to: Office Action mailed June 21, 2005

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REMARKS

This is in response to the Office Action mailed on June 21, 2005. Claims 51-80 are pending in the application and were rejected. With this amendment, independent claims 51, 61, and 71 are amended.

Claims 51-80 were rejected under 35 U.S.C. 103(a) as being unpatentable over Odom in view of Purcell. Although not specifically included in the basis for the rejection, the Examiner also relies on the "admitted prior art" of a conventional use of a letter of credit. Specifically, the Office Action states "it would have been obvious . . . to modify Odom et al. to incorporate the use of an Identifier and password for the buyer in order to facilitate access to the buyers . . . [and] to modify the 'chat option' of Odom et al. system to specify that the real-time communication link may be used to electronically transmit and receive the documents and information to implement the steps of a letter of credit in order to facilitate international trade."

The claims are amended to be patentably distinguishable from the prior art of record. Specifically, the claims are amended to include features not shown or suggested in the prior art, and therefore these features would be missing from any proposed combination of references. Independent claims 51, 61, and 71 have been amended to include that the steps are performed through or with an "enterprise" and "using the network" such as "establishing an agreement between a plurality of buyers and a plurality of sellers using an enterprise for trading purposes," and "providing over the network from the enterprise to at least one of the sellers" The independent claims have also been amended to include the feature of "sending payment from the bank to the seller through the enterprise."

Applicants respectfully submit that the amended claims are not shown or suggested in the prior art. The amended claims provide a framework including an enterprise that brings together a plurality of parties including buyers and sellers, as well as a bank or other financial institution so that each of the parties need only interface with the enterprise to facilitate a trade. All interaction can be performed through the enterprise, including establishing an agreement, receiving forms and documents, checking a credit and making and receiving payment without the buyer and seller having to expend resources or create inefficiencies by having to interact with other parties or do the work on their own. The present claims set forth an invention that is far more usable than the prior art for facilitating international trade, and is particularly useful for small to intermediate sized firms who have

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found the prior art systems to be burdensome and a hindrance to financially complicated transactions, as set forth in the application.

In this regard, the amended claims set forth more than the system of Odom modified so that it also specifies the use of an identifier and password for the buyer and checks a credit and receives secondary documents, as generally set forth in the Office Action. Odom teaches little more than a network-based exchange or auction system that provides the benefits of automatic bidding, large volumes of purchasers and sellers, and real time communication, but otherwise assumes the same framework as previously known exchange or auction systems. At a high level of abstraction, the framework of Odom remains the same as its prior art, but the functions are now automatic and the physical auction house is replaced with a "virtual" auction or exchange house in Odom.

On the other hand, the amended claims set forth an entirely new and nonobvious framework different from prior art letters of credit in trade. The prior art framework included at least four major parties interacting with each other such as buyers and sellers interacting with each other, the buyers' bank and sellers' bank interacting with each other, the buyers interacting with their bank, the sellers interacting with their bank, and at times the sellers interacting with the buyers' bank and the buyers interacting with the sellers' bank. Each transaction involved its own set of rules and forms depending on the parties involved.

The present claims provide a more efficient system where each party interacts through an enterprise that manages forms and documents, communications, and credit and payments between all the involved parties. Applicants respectfully submit that this is now presented in the amended independent claims and their respective dependent claims. Accordingly, Applicants respectfully request favorable action on the application and allowance of claims 51-80.

CONCLUSION

Applicants now submit that all pending claims are allowable and respectfully request that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7340.

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If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-339701).

Respectfully submitted,

By



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